



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.bpu.state.nj.us](http://www.bpu.state.nj.us)**

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CABLEVISION  
OF NEW JERSEY, INC. FOR RENEWAL OF A  
CERTIFICATE OF APPROVAL TO CONTINUE TO  
OPERATE AND MAINTAIN A CABLE TELEVISION  
SYSTEM IN THE BOROUGH OF NEW MILFORD,  
COUNTY OF BERGEN, STATE OF NEW JERSEY

RENEWAL  
CERTIFICATE OF APPROVAL

DOCKET NO. CE02050300

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the  
Petitioner.

Borough Clerk, Borough of New Milford, New Jersey, by Kathy Sayers, for the Borough.

BY THE BOARD<sup>1</sup>:

On November 24, 1976, the Board granted Cablevision of New Jersey, Inc. ("Petitioner") a Certificate of Approval in Docket No. 769C-6210 for the construction, operation and maintenance of a cable television system in the Borough of New Milford ("Borough"). On March 12, 1993, the Board granted the Petitioner a Renewal Certificate of Approval in Docket No. CE92070692. Although the Petitioner's above referenced Certificate expired on November 24, 2001, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on March 16, 2001, pursuant to N.J.S.A. 48:5A-3 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on September 24, 2001. On January 29, 2002, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On May 17, 2002, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent

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<sup>1</sup> Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.



ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.1 et seq.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at 5 Legion Drive in the Borough of Cresskill, New Jersey.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall install cable in all residences in residentially zoned areas in the Borough at tariffed rates for standard and non-standard installation. Commercial establishments and residents living in commercially zoned areas shall be constructed in accordance with the line extension policy attached to this Certificate as Appendix "I". The minimum homes per mile figure is 20.
10. The Petitioner currently provides certain public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application. The Petitioner maintains a PEG access channel that is shared with its local origination channel. The Petitioner maintains an access studio for use by any resident, individual or group residing in the community for production of non-commercial locally oriented programming. The Petitioner also maintains some



portable production equipment available on a first-come, first-served basis for production of non-commercial PEG access programming. The Petitioner provides free training courses for residents who wish to use the studio and/or the PEG access production equipment.

11. The Petitioner shall provide the standard installation and monthly basic service, free of charge, to the following municipal service properties and public and private schools within the Borough: a) Berkley Street Elementary School; b) B. F. Gibbs Elementary School; c) New Milford High School; d) D. E. Owens Middle School; e) Board of Education building; f) Ascension School; g) Hovnanian Armenian School; h) Soloman Schechter Day School of Bergen County; i) Institute for Educational Achievement; j) Borough Hall; k) Borough public works garage and outer buildings; l) public library; m) Firehouse #1; n) Firehouse #2; o) recreation building; p) senior center; q) Junior football building; r) Babe Ruth building; s) Little League building.
12. When high speed Internet access becomes commercially available to residential customers in the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to each State accredited public and private school in the Borough.
13. When high speed Internet access becomes commercially available to residential customers in the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to Borough Hall. The Borough, at its own cost, may network the modem to up to three additional personal computer terminals at Borough Hall.
14. When high speed Internet access becomes commercially available to residential customers in the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to the public library in the Borough. The library may network the modem to up to 24 additional computer terminals at the library; however, the cost of the router shall be borne by the Borough. If the Borough purchases the router from the Petitioner, the cost shall not exceed \$2,000.00. If the Borough decides not to purchase the router, it may still network the cable modem to three additional personal computer terminals in the library at its own cost.

There is a conflict between the Borough's ordinance which states that the Petitioner shall provide service to residents in all areas of the Borough in accordance with a line extension policy rate calculated on 25 homes per mile and the Petitioner's municipal consent and Certificate applications which indicated a continuation of the Borough's "residential full build" status. The Petitioner has confirmed, by letter dated July 30, 2002, that it considers the Borough a "residential full build," and will provide service at tariffed rates for standard and non-standard installation. Therefore, the language incorporated in the application and set forth in Provision No. 9 above, shall apply to the Borough.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as



preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards of 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of its issuance.

DATED: September 23, 2002

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

JEANNE M. FOX  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CONNIE O. HUGHES  
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO  
SECRETARY